IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 31605 of 1997

Between:

1 S.Muneiah, S/o Govinda Swamy.
2 P.Munisankar Reddy, S/o Lakshmana Reddy.
3 C.Chandrasekhar, S/o Ramakrishnaiah.
4 K.Subramanyam, S/o K.Chenganna.
5 S.Ramchandra, S/o S.Venkataramanappa.
6 B.Ravichandra Reddy, S/o B.Pattabi Reddy.
7 K.Muragaiah, S/o K.Venkataramaiah.
8 E.Sreenivasulu, S/o Venkataramana.
9 R.Saraswathi, D/o R.Narayana Reddy.
10 M.Girija, D/o Krishna Reddy.
11 K.Desamma, W/o Dibbalavadu.
12 M.Mery, D/o Saveviarayan.

Petitioners 1 to 8 are working as Security Guards and Petitioners 9 to 12 are working as Sweepers in Sri Venkateswara Central Library Research Centre, TTDs, Tirupathi, r/o. Tirupathi. … Petitioners

AND

1 The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi.
2 The Officer In-Charge, Sri Venkateswara Central Library Research Centre, Tirumala Tirupathi Devasthanams, Tirupathi … Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in giving artificial breaks in service of the petitioners and not paying the wages as per Scheduled Standard Rates(S.S.R.)to the petitioners as arbitrary, discriminatory and contrary to law and consequently direct the respondents to pay the wages to the petitioners as per the scheduled standard Rates without giving break in the service and also consider the petitioners for absorption, as has been done in respect of similarly situated persons in TTDs with all consequential benefits.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondents: MR.PALLENAGESWAR RAO

This Court made the following:

ORDER:

Heard Sri V.Jagapathi, learned counsel appearing for the petitioners and Sri Palle Nageswara Rao, learned counsel appearing on behalf of the respondents.

Having heard both sides and on perusal of material, though several contentions are sought to be urged on behalf of both the sides and a comprehensive relief is sought for, the main question gets restricted to only entitlement of petitioners to be engaged in vacancies which arise with the respondents. In the circumstances, without going into the merits of the claims and objections on both the sides, it is felt more desirable to direct the respondents to consider afresh the very claim of the petitioners.

The Writ Petition is, accordingly, disposed of permitting the petitioners to file a comprehensive representation before the respondents within a period of two weeks from today and on receipt of which, the same shall be considered and disposed of on merits in accordance with law within a period of four weeks thereafter. No costs.

It is needless to mention that in case of existence of any vacancies, the petitioners' case also shall stand considered even as per the provisions of the Industrial Disputes Act, 1947.

(B.Prakash Rao, J.)

08.04.2005

DRK

Copy to:

1 The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi.

2 The Officer In-Charge, Sri Venkateswara Central Library Research Centre, Tirumala Tirupathi Devasthanams, Tirupathi

3 Two CD copies.